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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

JUAN RAMIREZ ARIAS, JAVIER ANGEL,  
MIGUEL RAMIREZ ARIAS, and all other  
similarly situated employees of LAND  
ORIGINS, LLC,

Civil Action No.

Plaintiff,

- against -

LAND ORIGINS, LLC, and JASON  
BEATRICE, individually

Defendant.

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that defendants, Land Origins, LLC (hereinafter referred to as “Land Origins”), and Jason Beatrice (“Beatrice”) (collectively “Defendants”), hereby remove the above-captioned action from the Superior Court of New Jersey, Law Division, Union County, to the United States District Court for the District of New Jersey, based upon the following:

1. On or about August 28, 2010, plaintiffs, Juan Ramirez Arias, Javier Angel, and Miguel Ramirez Arias commenced a civil action by filing a Complaint in the Superior Court of New Jersey, Law Division, Union County, entitled *Juan Ramirez Arias, Javier Angel, Miguel Ramirez Arias, and all other similarly situated employees of Land Origins, LLC, Plaintiff, against Land Origins, LLC, and Jason Beatrice, individually*, Docket No. UNNL-003030-19 (the “State Court Action”).

2. On or about September 11, 2019, Defendants were served with the Summons and Complaint in the State Court Action.

3. The Superior Court of Union County is located within the District of New Jersey. Thus, venue is proper in this Court because it is the “district and division embracing the place where such [state court] action is pending.” 28 U.S.C. § 1441(a).

4. Defendants are filing this Notice within thirty (30) days after service of the Summons and Petition upon it. Thus, under 28 U.S.C. §1446(b), Defendants’ time to remove and to respond, has not yet expired.

5. In accordance with 28 U.S.C. §1446(a), a copy of all pleadings and papers that have been filed and served on Defendants in the State Court Action are attached to this Notice as Exhibit A. Plaintiff has not served upon Defendants any other process, pleadings, or orders.

6. Pursuant to 28 U.S.C. §1446(d), a copy of this Notice of Removal is being served upon counsel for Plaintiffs, and Defendants will file in the Superior Court of Union County, New Jersey, Defendants’ Notice of Removal.

**This Court Has Removal Jurisdiction  
As the Complaint Asserts Claims Under Federal Law**

7. The State Court Action may be removed to this Court pursuant to 28 U.S.C. § 1441 because this Court has original federal question jurisdiction under 28 U.S.C. § 1331 based on a claim arising under the laws of the United States of America.

8. “Federal question jurisdiction exists when plaintiff’s well-pleaded complaint establishes that federal law creates the cause of action,” or when “some substantial, disputed question of federal law is a necessary element of ... [a] well-pleaded state claim[.]” *Metro. Life Ins. Co. v. Price*, 501 F.3d 271, 276 & n.3 (3d Cir. 2007) (internal quotation marks & citations omitted); *accord, e.g., U.S. Express Lines, Ltd. v. Higgins*, 281 F.3d 383, 389 (3d Cir. 2002).

9. Plaintiffs' Complaint alleges in paragraph 1 that "Plaintiffs bring this lawsuit seeking recover against Defendants for Defendants' violations of ... the Fair Labor Standards Act, as amended (the "FLSA" or the "Act"), 29 U.S.C. § 201 *et seq.*" Exhibit A, Intro. ¶ 1.

10. In addition, in paragraph 2 of the Complaint, the Plaintiffs specifically allege that "Plaintiffs bring this lawsuit against Defendants as a class and collective action pursuant to ... 29 U.S.C. 216(b) ...." *Id.* ¶ 2.

11. Plaintiffs similarly cite/reference the Fair Labor Standards Act in Complaint paragraphs 4, 5, 19, 36, 37, 39, 40, 42, and 51. Count II (paragraphs 61-67) is entitled "Recovery Of Overtime Compensation Pursuant To The FLSA." *See generally*, Complaint.

12. Accordingly, this Court has original federal question jurisdiction under 28 U.S.C. § 1331 and 1343 in that the case involves claims under the laws of the United States. Thus, the action may be removed to this Court pursuant to 28 U.S.C. § 1441.

13. Plaintiffs also assert causes of action relating to wages under New Jersey laws (*i.e.*, the New Jersey State Wage Payment Law, N.J.S.A. 34:11-56a *et seq.* (as amended on August 6, 2019 S1790) and associated New Jersey Administrative Code, Ch. 12:56-1:1, *et seq.*), based on the same underlying allegations. *See generally*, Complaint. This Court has supplemental jurisdiction over Plaintiffs' state law claims because they form a part of the same case or controversy under Article III of the United States Constitution. 28 U.S.C. § 1337(a).

14. Removal of Plaintiffs' state law claims are proper because "[w]henever a separate and independent claim or cause of action within the jurisdiction conferred by section 1331 of this title is joined with one or more otherwise non-removable claims or causes of action, the entire case may be removed and the district court may determine all issues therein...." 28 U.S.C. § 1441(c).

15. Accordingly, this Court has original federal question jurisdiction and supplemental jurisdiction under 28 U.S.C. §§ 1331, 1334, and 1367(a).

16. In filing this Notice of Removal, Defendants do not waive any defects in service of process, venue or personal jurisdiction.

WHEREFORE, Defendants hereby notify this Court, Plaintiffs, and the Superior Court for Union County, New Jersey, that the above-captioned matter, now pending against it in the Superior Court for Union County, New Jersey, has been removed to this Court.

Respectfully submitted,

**SALKA LAW LLC**  
Attorneys for Defendants

By: /s/ Gregg H. Salka, Esq.  
GREGG H. SALKA  
For the Firm

Dated: October 9, 2019

**CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2**

I hereby certify that, to the best of my knowledge, the matter in controversy is not the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding.

Pursuant to 28 U.S.C. Sec. 1746, I certify under penalty of perjury that the foregoing is true and correct.

**SALKA LAW LLC**  
Attorneys for Defendants

By: /s/ Gregg H. Salka, Esq.  
GREGG H. SALKA  
For the Firm

Dated: October 9, 2019